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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/686,857 | 10/16/2003 | Andrew M. Hiles | HAM-100-A | 1733 |

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EXAMINER

CHIN, PAUL T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3652

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,857

Applicant(s)

HILES, ANDREW M.

Examiner

PAUL T. CHIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on September 19, 2004, was filed and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "said strap member serves as a handle and an attachment to connect said hook member to an external pulling mechanism" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. **The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.**

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

5. Claims 7-12 are objected to because of the following informalities: the claimed language of "ATV" should be specifically recited in words to particularly point out and distinctly claim the subject matter. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed language of the phrases "said strap member serves as a handle and an attachment to connect said hook member" (claim 1) and "said strap member serves as a handle and an attachment to connect said hook member to ATV" (claims 7-12) are

vague and indefinite as to whether applicant is positively claiming the "attachment" or as the "intended use as a handle".

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1,3,5,7,9, and 11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Vickers (2,541,449).

Vickers (2,541,449) discloses a lifting device comprising: a hook member (Figs. 1 and 2) configured in a predetermined shape having a substantially tapered end portion (see Fig. 2) and a second end portion; said hook member is provided with a predetermined opening between said tapered end portion and said second end portion; a fabric strap member (4) operably connectable to said hook member so that said strap member serves as a handle and an attachment to connect said hook member to an external pulling mechanism (2). It is pointed out that the prior art discloses all the structural limitations while the intended use (i.e. *for dragging a game animal and for gaffing a fish or marine animal*) is not patentably significant.

Re claims 3 and 4, Vickers (2,541,449) meets the limitations as broadly as recited in the claims (**see Exhibit A**).

10. Claims 1 and 7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Wright (1,007,019).

Wright (1,007,019) discloses a device comprising: a hook member (3) configured in a predetermined shape having a substantially tapered end portion (see Figs. 1 and 3) and a second end portion; said hook member is provided with a predetermined opening between said tapered end portion and said second end portion; a strap member (1,2) operably connectable to said hook member so that said strap member serves as a handle and an attachment to connect said hook member to an external pulling mechanism. It is pointed out that the prior art discloses all the structural limitations while the intended use (i.e. *for dragging a game animal and for gaffing a fish or marine animal*) is not patentably significant.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2,4,6,8,10, and 12, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vickers (2,541,449) in view of Lutz (2,307,327).

Autenrieth (937,564), as presented in section 9 above, does not show a tapered end portion having a tapered end portion. However, Lutz (2,307,327) discloses a pointed member (12) having a tapered end portion (16) which has a tapered angle between 30 to 45 degree. Accordingly, it would have been obvious design choice to those skilled in the art to provide a tapered angle between 30 to 45 degree on the tapered end portion Autenrieth (937,564) as taught by Lutz (2,307,327) so that the end portion would be easily attached.

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13. Claims 1-20, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Autenrieth (937,564) in view of Lutz (2,307,327).

Autenrieth (937,564) discloses a lifting device comprising: a hook member (Figs. 1-3) configured in a predetermined shape having a first end portion (5) and a second end portion (8); said hook member is provided with a predetermined opening between said first end portion (5) and said second end portion (8); a strap webbing member (1,2) operably connectable to said hook member so that said strap member serves as a handle and an attachment to connect said hook member to an external pulling mechanism. Autenrieth (937,564) does not show a first end portion having a tapered end portion. However, Lutz (2,307,327) discloses a pointed member (12) having a tapered end portion (16) which has a tapered angle between 30 to 45 degree. Accordingly, it would have been obvious design choice to those skilled in the art to provide a tapered angle between 30 to 45 degree on the first end portion (5) of Autenrieth (937,564) as taught by Lutz (2,307,327) so that the end portion would be easily attached to the strap member (2). It is pointed out that the modified Autenrieth (937,564) discloses all the structural limitations while the intended use (*i.e. for dragging a game animal and for gaffing a fish or marine animal*) is not patentably significant. Re claims 3 and 4, the modified Autenrieth (937,564) discloses all the structural limitations (**see Exhibit B**). Re claims 13-20, the angle between the second hook portion and the third hook portion is a predetermined (see Exhibit B).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Paul T. Chin', with a stylized flourish at the end.

PAUL T. CHIN
Examiner
Art Unit 3652

10/686,857

Exhibit A

Feb. 13, 1951

A. J. VICKERS

2,541,449

SLING FOR SMALL MOTORS

Filed July 29, 1948

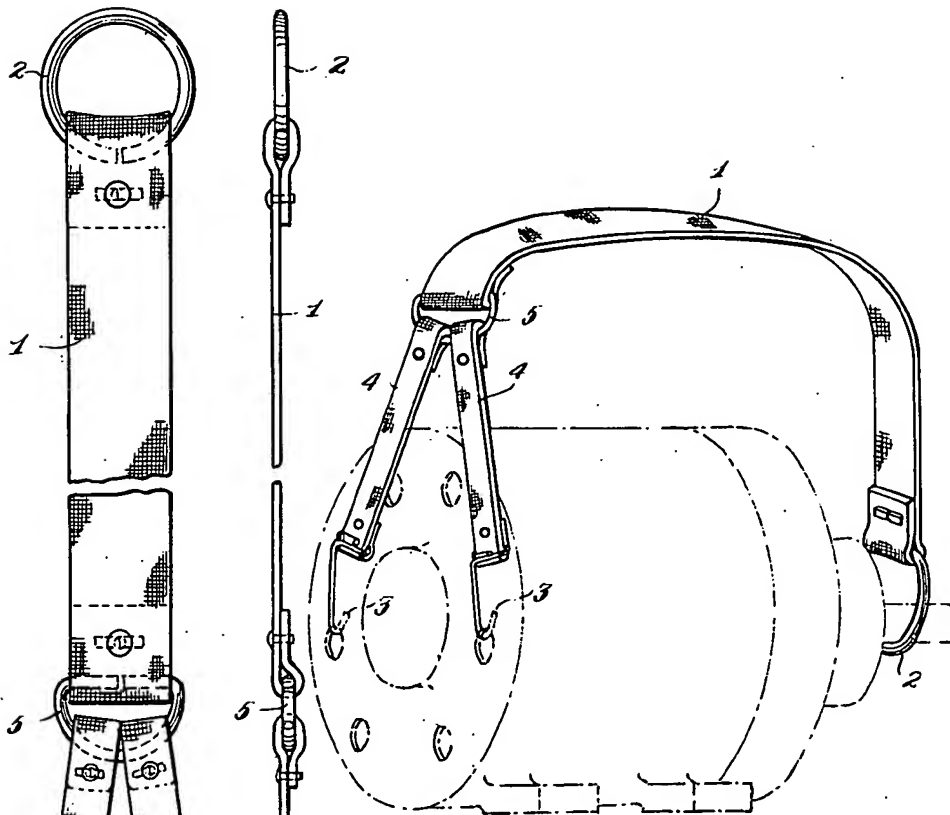


FIG. 3

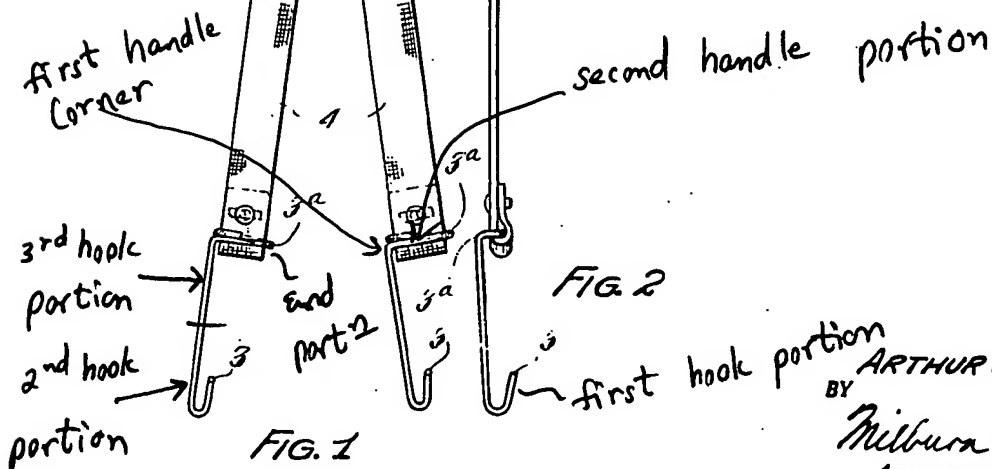


FIG. 2

FIG. 1

INVENTOR.

ARTHUR J. VICKERS

Milburn Milburn
ATTORNEYS

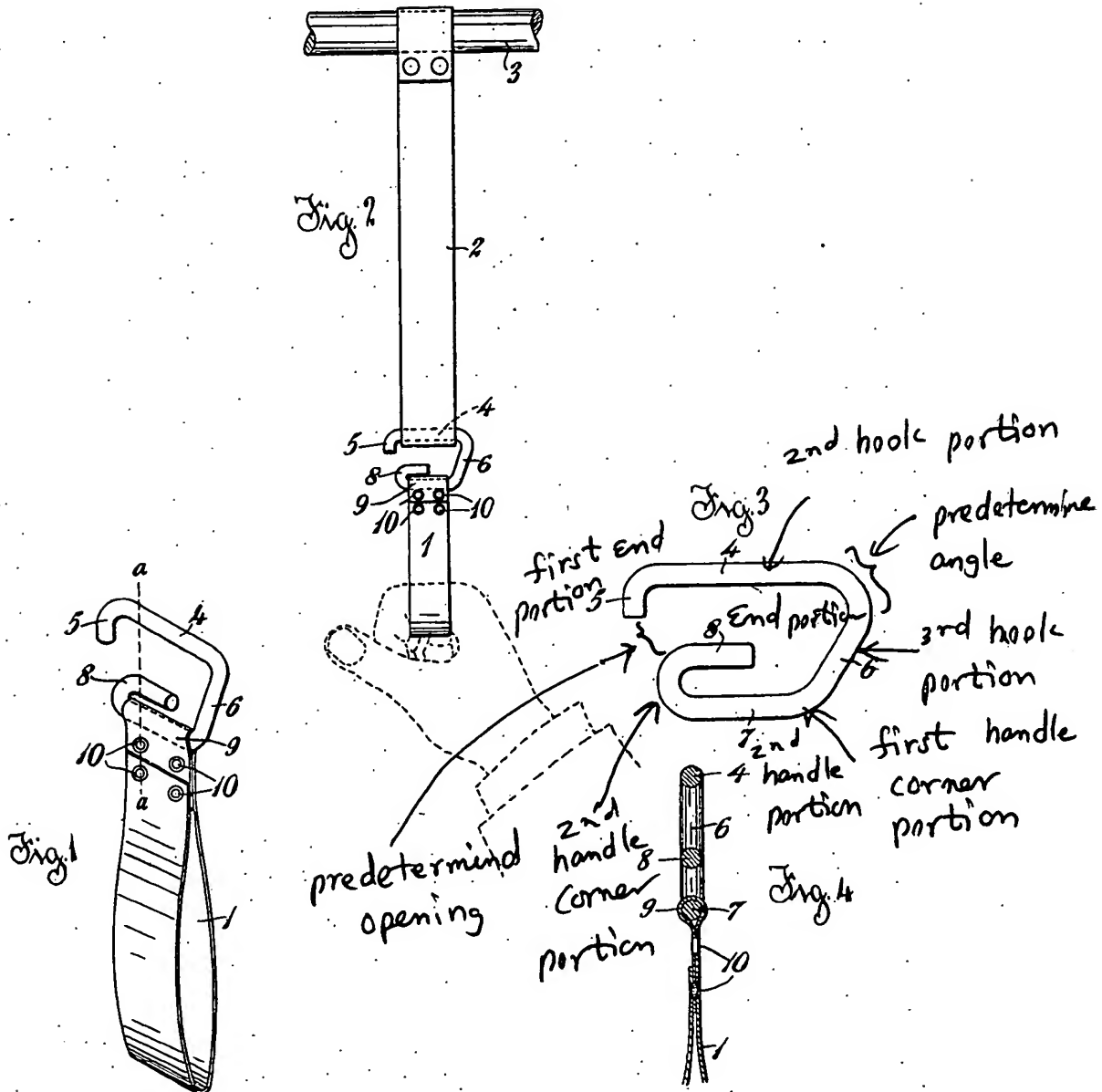
10/686,857

Exhibit B

W. AUTENRIETH.
HAND GRAPPLE.
APPLICATION FILED JAN. 18, 1909.

937,564.

Patented Oct. 19, 1909.



Witnesses
Oscar Schuman
Norma Kiser.

Inventor
William Autenrieth,
by John Elias Jones,
Attorney.